

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES--GENERAL

Case No. **5:25-cv-00592-DTB**

Date: **June 11, 2025**

Title: **Darwin Boggs v. Jose Luis Cortez, et al.**

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**DOCKET ENTRY**

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PRESENT:

**HON. DAVID T. BRISTOW, MAGISTRATE JUDGE**

Rachel Maurice  
Deputy Clerk

n/a  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:

None present

ATTORNEYS PRESENT FOR DEFENDANT(S):

None present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY  
ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE**

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. See Fed. R. Civ. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service, or 60 days if the defendant is the United States. See Fed. R. Civ. P. 12(a). In addition, “any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.”

Fed. R. Civ. P. 15(a)(3). The Court notes that the Complaint was filed on March 5, 2025 and, therefore, the last day to serve the same was June 5, 2025. Defendant Jose Luis Cortez was served with the Complaint on March 29, 2025, and failed to respond resulting in his default being taken on May 6, 2025.

As of this date, Plaintiff has not filed a motion for default judgment nor dismissed the Doe defendants. Accordingly, the Court, on its own motion, orders Plaintiff to show cause in writing **no later than seven days from the date of this Order** why this action should not be dismissed for lack of prosecution as to those defendants.

It is Plaintiff’s responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary, Plaintiff must also pursue Rule 55 remedies promptly upon the default of any defendant. All stipulations affecting the progress of the case must be

approved by this Court. See Local Rule 7-1.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a written response.

**Plaintiff is expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice as to one or more defendant(s) for failure to prosecute and comply with court orders. See Fed. R. Civ. P. 41(b).**

**IT IS SO ORDERED.**